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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ELIAS ECHEVERRIA-MEDEZ,

11 Petitioner,

No. CIV S-09-1372 EFB P

12 vs.

13 RICHARD B. IVES,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a federal prisoner without counsel, seeks a writ of habeas corpus under 28
17 U.S.C. § 2241. Petitioner challenges the legality of his conviction for money laundering in
18 violation of 18 U.S.C. § 1956, which was imposed by the United States District Court for the
19 Western District of North Carolina. Petitioner alleges that, under a U.S. Supreme Court decision
20 handed down after his sentencing, his conduct does not fall within the statute's prohibitions.
21 Petitioner is currently confined in the federal prison in Herlong, California.

22 Generally, a federal habeas petition challenging the legality of the sentence, rather than
23 the manner, location, or conditions of its execution, are properly brought under 28 U.S.C. § 2255
24 in the court in which petitioner was sentenced (the "sentencing court") rather than under 28
25 U.S.C. § 2241 in the court for the geographic territory encompassing the prison in which the
26 petitioner is confined (the "custodial court"). *Hernandez v. Campbell*, 204 F.3d 861, 864-65 (9th

1 Cir. 2000). This general rule has one exception – under the savings clause of § 2255, a federal
2 prisoner may challenge the legality of his sentence under § 2241 in the custodial court where his
3 remedy under § 2255 is inadequate or ineffective to test the legality of his detention. *Id.*; 28
4 U.S.C. § 2255(e).

5 Petitioner challenges the legality of his sentence, which was imposed by the United
6 States District Court for the Western District of North Carolina. Thus, the instant petition should
7 be heard by that court under 28 U.S.C. § 2255, absent a showing that such a motion is inadequate
8 or ineffective to test the legality of the sentence.

9 Accordingly, it is hereby ordered that, within 30 days from the date of this order,
10 petitioner show case why the petition should not be transferred to the United States District
11 Court for the Western District of North Carolina.

12 Dated: June 22, 2010.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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